

## **REMARKS**

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 76 and 78 – 99 are now pending in the application. Claims 81 – 99 have been added for substantive examination. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **I. Oath/Declaration**

The 11<sup>th</sup> page of the oath identifies inventor “Robert J. Opsitos” as crossed out. Applicants note that Mr. Opsitos’ updated information has been provided in full on page 5 of the oath dated July 12<sup>th</sup> 2004. The updated information simply replaces the crossed out information on page 11, dated June 22<sup>nd</sup> 2004.

### **II. Claim Rejections Under 35 USC § 102**

Claims 76 and 78 – 80 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent App. No. 2002/0170400 (Gass). This rejection is respectfully traversed.

At the outset, Applicant notes that claim 76 has been amended to recite a sensing mechanism that measures characteristics of a workpiece to determine a human extremity in proximity to the active portion of the power tool. Applicants respectfully submit that Gass does not teach or suggest such a feature.

Gass at best discloses a band saw including a detection subsystem 22 configured to detect when a person’s body comes into contact with a blade 14. The

detection subsystem of Gass does not measure the characteristics of a workpiece. Instead, the detection subsystem 22 is based on the capacitance of a human body. As a result of the inherent capacitance of the user's body, when the user touches the blade 14, the capacitance of the user's body is electrically coupled to the inherent capacitance of the blade, thereby creating an effective capacitance that is larger than the inherent capacitance of the blade alone. The detection system 22 is configured to measure the capacitance of the blade 14. See e.g., paragraph [0025].

In contrast, the present invention provides a sensing mechanism that measures characteristics of a workpiece. For example, the sensing mechanism includes a depth sensor operable to monitor a depth of a workpiece, or a light gate operable to measure a thickness of a workpiece. The sensing mechanism may further include an ultrasound sensor. Accordingly, reconsideration and withdrawal of the rejection of claims 76 and 78 – 80 are respectfully requested. In this way, newly submitted dependant claims 81 – 86 should likewise be in condition for allowance.

With respect to new claims 87 – 89, Applicants note that Gass fails to teach or disclose a protection mechanism adapted to disengage the saw blade from said drive system upon release of a safety mechanism. As such, Applicants believe new claims 87 – 89 recite patentable subject matter.

With respect to new claims 90 – 99, Applicants note that Gass fails to teach or disclose a safety mechanism for engaging an active portion of a power tool including a sensing mechanism that is disabled upon release of an engaging member. As such, Applicants believe new claims 90 – 99 recite patentable subject matter.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,



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Date: January 23, 2006  
BDH/cr